

# FlashPoints



Hazardous Materials Transportation Safety Newsletter

Issue #8

Fall 2001

## Upcoming TSI Classes in Oklahoma City:

### Transportation of Hazmat

**-Basic** Oct 29-Nov 2,  
Jan 7-11, Mar 4-8, May 13-17  
**-Recurrent (Refresher)**  
Nov 27-29, Mar 19-21, Jun 11-13

**Air Transportation of Hazmat (ICAO/  
IATA)** Dec 11-13, Mar 19-21, June 11-13

**Vessel Hazmat / IMDG Code**  
Feb 26-Mar 1, Aug 13-16

**Instructor Training**  
Nov 6-8, May 7-9

**Cargo Tanks**  
Jan 14-18, Aug 19-23

**Performance-Oriented  
Packaging** Oct 23-25, Feb 20-22, June  
25-27

**Haz Wastes & Substances**  
Dec 11-13, Feb 26-28,

**Radioactive Materials**  
Nov 13-16, May 7-10

**Infectious Substances**  
Oct 24-25, Jan 23-24, Apr 24-25, Jul 24-25

**Cylinders**  
Dec 5-7, Apr 10-12, Jul 30-Aug 1

**Explosives**  
Jan 15-18

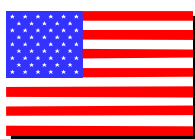
## Customized and on-site training also available

For more information, or to receive a training brochure, please contact the TSI Hazardous Materials Division. Contact information is below.

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4400 Will Rogers Parkway, Suite 218,  
Oklahoma City, OK 73108  
Phone: (405) 949-0036 x374  
E-mail: Hazmat@tsi.jccbi.gov  
Internet: <http://www.tsi.dot.gov>

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To be added/removed from the **FlashPoints** e-mailing list please contact: [Hazmat@tsi.jccbi.gov](mailto:Hazmat@tsi.jccbi.gov)



*"We will have to take precautions in transportation that we have never taken before, and we will have to do the same in virtually every aspect of life. We will find ways to preserve the best of our transportation systems — the freedom of movement, the safe and efficient movement of goods and people that is so necessary to our economy. We will find ways to accomplish both heightened security and the benefits of efficient transportation systems."*

—Norman Y. Mineta, Secretary of Transportation,  
in a speech to the US Senate, September 20, 2001

## Many Transition Periods Ending on October 1, 2001

In the 1990's the US DOT made a lot of changes to the Hazardous Materials Regulations (HMR). Some of these changes were designed to align the HMR with international regulations and some of the changes just needed to be made to increase safety or for the sake of

clarification. Realizing that the transportation industry needed time to adjust to these changes, the DOT granted lengthy transition periods—all the way up to the far-off date of October 1, 2001, in some cases. And now it's time to pay the piper.

*Transition periods, continued on page 2*

## Get Rid of These Now!

For many years the DOT's Hazardous Materials Regulations (HMR) have prohibited the use of signs, slogans, and advertisements on packages and vehicles if they could be confused with DOT hazmat labels or placards (49 CFR 172.401(b), 172.502(a)(2)). This has included placards with slogans such as "Drive Safely". However, since so many vehicles had been equipped with placard flip kits which included a diamond-

shaped "Drive Safely" sign or similar message, the DOT made an exception. A transition period was granted until **October 1, 2001**, for placard-like safety slogans, that had already been permanently marked on a trans-

*Get Rid of These, continued on page 2*



"Drive Safely" and similar messages can no longer be displayed on vehicles in placard format.

*Transition Periods, continued from page 1*

As of October 1, 2001, the transition period has run out on these options (listed by 49 CFR paragraph number ):

**171.14(a)** Packages filled prior to October 1, 1991, had been allowed to be transported under the packaging, labeling, and marking provisions that were in effect September 30, 1991. So now, no packages in transportation can display, the "Explosive A," "Explosive B," "Explosive C", "Blasting Agent," "Irritant," or old "Flammable Solid" labels.

**171.14(b)** Many of the old DOT placards that were in use on September 30, 1991, were allowed to continue to be used for highway shipments. These now-prohibited placards included hazard placards without the class number in the bottom corner as well as the "Explosive A", "Explosive B", and "Blasting Agents" placards for explosives. The "Dangerous" placard can also no longer be used as a stand-alone placard for division 1.4 or 1.6 (formerly "Explosive C") explosives.

The old class 4 placards are gone as well. Though there is a substantial difference between the old placards for Spontaneously Combustible and Dangerous When Wet materials and the current placards, the distinction between the old "Flammable Solid" placard and the new "Flammable Solid" placard is harder to notice. The primary difference is that the text in the old placard appears in a white box whereas in the new placard the text appears right across the stripes.

171.14(b) also allowed the old "Poison Gas" and "Poison" placards to be used by all modes of transportation for materials that were poisonous by inhalation instead of using the new "Poison Gas" and "Poison Inhalation Hazard" placards with the black diamond around the skull and crossbones. For more details on this, see the article on page 4 of this newsletter.

**172.502(b)(3)** "Drive safely" and other safety related messages can no longer appear in placard form. For more details, see the article on Page 1 of this newsletter.

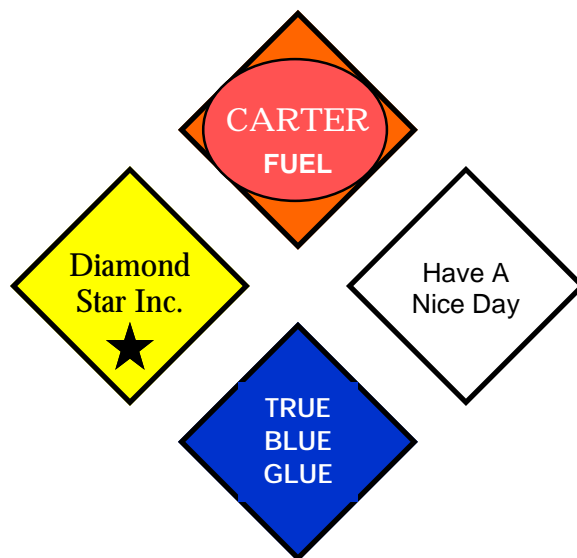
**173.4(a)(10)** There is now only one acceptable statement that can be marked on packages using the small quantities exception.

*Get Rid of These Now, continued from page 1*

port vehicle, freight container or bulk package, on or before August 21, 1997 (49 CFR 172.502(3)). Contrary to popular belief, this transition period did not cover any other non-safety related slogans, signs, or advertisements that could be confused with hazmat placards. These have been illegal all along and continue to be illegal. Over the past several years, many hazmat carriers have paid fines for having colored diamond-shaped logos on their vehicles.

This transition period was granted so that shippers and carriers, who may have had hundreds or thousands of placard kits in their fleets, could change out or paint over this part of their placard kits. Now that the transition period is ending, those in the transportation industry need to make sure they have eliminated these signs or they will be in violation the next time the vehicle travels on a public highway with the "Drive Safely" placard showing.

This prohibition only applies to signs that can be confused with hazmat placards because of their color, design, shape or content. There's nothing wrong with having "Drive Safely" or other messages displayed on a vehicle or freight container as long as they don't look like placards or interfere with the effectiveness of a placard. ♦



Non-safety related signs and advertising markings that look like hazmat placards have been, and continue to be, prohibited.

## IMDG Code on a Free CD?

So far there have been three published “errata and corrigenda” (errors and corrections) for the latest edition of the IMDG Code (Amendment 30). More errors have been discovered so a fourth set of errata, encompassing the latest and all the previous corrections should be placed on the IMO web site soon ([www.imo.org](http://www.imo.org)). If you have tried to make all the necessary corrections to your own IMDG Code books, it probably took you the better part of a day to do it. The IMO is *planning* to alleviate this problem by distributing a free CD with the complete corrected IMDG Code on it to those who have already purchased the books. Users can then print out a fresh correct copy of the IMDG Code. This CD would be distributed through the same vendors who sell the IMDG Code books. The *target date* for this CD distribution is mid-November. ♦



## Air Hazmat Class Added to TSI's December Schedule

Students in TSI's popular *Air Transportation of Hazardous Materials* classes receive and keep the most-recent copies of the HMR (49 CFR, Parts 100-185), the *ICAO Technical Instructions*, and the *IATA Dangerous Goods Regulations* (the widely-used industry field document). All three of these documents are important to the transportation of hazardous materials by commercial aircraft in the US.

Because many students like to train on the hazmat rules for air transportation as soon as the latest IATA DGR are published, TSI has added an *Air Transportation of Hazardous Materials* class to the schedule in December (the 2002 IATA DGR should be published in November).

The class will be held Dec. 11-13 at TSI's training facility in Oklahoma City. Call 405-949-0036 x375 for registration information. ♦

## Emergency Response Telephone Numbers

### 1-800 Numbers and “Immediate Access” Explained



#### DOT Clarifications

Here are two excerpts from recent DOT clarification letters dealing with the emergency response telephone number (49 CFR 172.604):

One person asked whether toll-free 1-800 numbers could be used even though they are inaccessible outside of the US. Here is an excerpt from the DOT's response:

“The emergency response telephone number must include all necessary area codes needed to complete the call from within the US. The use of a toll-free emergency response telephone number would satisfy these requirements. When dialed from outside the US, a US toll-free telephone number may be accessed by contacting a US operator.”

Another person asked about the definition of

“immediate access”. Here is an excerpt from the DOT response:

“You are correct that the term “immediate access” is not defined in the HMR. However, the term is intended to indicate that the emergency response information must be provided to a responder with no undue delay. Clearly, a few minutes may lapse during a telephone call while the person answering the emergency response phone number locates specific information on a particular product or contacts a person to provide such information. However, any delay longer than a few minutes would be unacceptable.”

You can view and print these letters in their entirety along with many other clarification letters on all DOT hazmat subjects at the DOT's hazmat web site: <http://hazmat.dot.gov> ♦

# DOT Rulemakings

The following recent DOT Final Rules and Proposed Rule-making can be viewed in their entirety at:

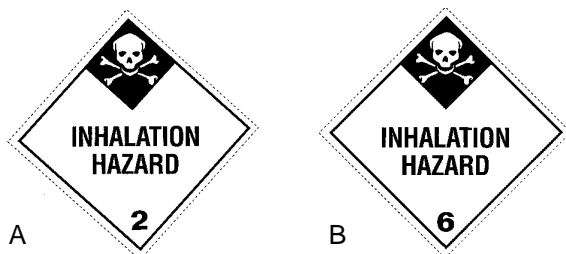
<http://hazmat.dot.gov/rulemake.htm>

## HM-189R, HM-189S Editorial Corrections & Clarifications

Though listed under the "Final Rule" category, neither of these docket actions were actually a rule-making. These were simply a series of editorial corrections and clarifications of existing text in the HMR. There were no new requirements added to the regulations and no requirements were deleted. HM-189R is effective 9/27/01 and HM-189S is effective 10/1/01.

## HM-206D Exceptions From Labeling and Placarding Materials Poisonous by Inhalation (PIH)

There had been transition periods for using the new PIH labels and placards. These transition periods were due to run out on October 1, 2001. With this Final Rule, there has been an indefinite extension to the transition period for labeling (and now placarding) packages (bulk and non-bulk) that are inside closed freight containers and vehicles for international transportation (the UN numbers must be marked on the freight containers/vehicles regardless of quantity). However, the freight containers or transport vehicles must now bear the PIH



The DOT's PIH labels and placards.

A. Poison Gas

B. Poison-Inhalation Hazard

placards. The DOT is allowing dual placarding for international shipments—the display of the DOT PIH placards and the international Poison or Poison Gas placards together. This way the DOT PIH placard can be removed upon arrival at a foreign country, enabling shippers and carriers to

avoid a violation where the PIH placards are not accepted. The only exception in the US for not placarding freight containers, vehicles, or bulk packages with the PIH placards is that the IMDG Code placards can be used in a single port area.

## HM-207B Retention of Shipping Papers

The actual law, the Hazardous Materials Transportation Act of 1994, required that hazardous materials shipping papers be retained by the shipper and carrier for a period of one year after transportation was completed. This requirement, however, has not yet found its way into 49 CFR. Now the DOT is planning to add this requirement to 49 CFR with some slight changes in this *proposed rulemaking*.

Since it is often difficult for the shipper or initial carrier to know when a shipment has reached its final destination, the shipping paper retention period would instead begin when the hazardous material is first offered/accepted for transportation. The retention period would be extended from 365 days to 375 days, which means the shipping paper would actually be retained for a year after transportation is completed for most hazmat shipments (the DOT estimates that 95% of hazmat shipments are in transportation for 10 days or less).

A date would have to appear on the shipping paper to make this rule work (currently the HMR has no requirement for dating the shipping paper). The shipper's copy of the shipping paper would show the date when the initial carrier accepts the shipment (not just when the shipping paper was completed). The carrier's copy of the shipping paper would show the date of that carrier's acceptance of the shipment.

The retention of shipping papers could be done electronically, but you would have to be able to generate a paper copy if requested by an authorized government official.

None of the above proposed rules would supersede the requirements for the EPA hazardous waste manifest which already has a 3-year retention period and separate date and signature requirements.

Remember this is just a *proposed* change to the HMR. The Final Rule may be quite different and will be influenced by public comment. Public comments on this proposed rulemaking must be received by Nov. 13, 2001. ♦